



WV BIRTH TO THREE PROCEDURAL SAFEGUARDS (Family Rights)

Give Permission

Informed consent or giving permission is the most basic of your rights. You should understand all of the information you are given about WV Birth to Three. You must receive written notice and your written permission must be obtained before any service begins, is proposed to be changed, or is refused to be provided. Permission is voluntary, meaning you do not have to give permission for services you do not want or understand.

Understand

If English is not your family's primary language, you have the right to receive information in your native language. Also, if your family uses sign language or another means of communication, your family has the right to be given information in a manner you can best understand.

Service Coordination

When your family is referred for services, your family has the right to a service coordinator. The service coordinator helps families understand how the system works and can assist you in getting the services you need in a quick and efficient manner.

Examine Records

Every family has the right to examine any WV Birth to Three records concerning their family or their child. Families also have the right to obtain a copy of their child's records upon request.

Evaluation

Once referred for services through WV Birth to Three, your child is entitled to have an evaluation to help determine if he or she is eligible to receive services.

Ongoing Assessments

Once determined eligible for services under the WV Birth to Three system, your child and family are entitled to have ongoing assessments conducted to determine your child's unique needs and your family's resources, priorities and concerns related to your child's development.

A Plan

Within 45 days after your family is referred, your family is entitled to receive an Individualized Family Service Plan (IFSP). This plan outlines the nature and extent of Birth to Three services needed by your child and family. You may invite whomever you like to attend the IFSP meeting. The 45-day-period can only be extended if the child is sick or if your family requests more time.

Every six months, the plan must be reviewed. If your family wishes, this review will occur sooner.

Confidentiality

No information which is personally identifiable about your family or a family member may be released without the written approval of your family, except as mandated by the state law.

This also means that you must give your written permission before your child's records can be shared with other individuals or agencies.

Disagreements

If your family disagrees with any of the recommendations for services, or if you think your family is not receiving the services they require, they have the right to voice concerns. You have a right to talk to your service coordinator about your concerns or contact the state WV Birth to Three office at 1-800-642-9704 or 304-558-5388.

Mediation

This is a voluntary process and there is an impartial mediator available to you in the event you have issues that need to be resolved. It allows both parties to enter into a discussion under the guidance of an impartial, trained mediator. Each side will be allowed to present facts and ideas, and the mediator will facilitate an agreement that is in the best interest of your child and family.

Impartial Resolution of Complaints

You have the right to ask for any issues to be resolved when you believe federal laws or regulations have been violated. You have a right to file a formal complaint with the state WV Birth to Three office or ask for an impartial hearing to resolve a dispute between you and an agency or service provider, based on evidence presented by both parties of the dispute and their witnesses.

You are entitled to have an attorney and advisors present. The hearing is provided at no cost to you, with the exception of any professionals you decide to hire to represent you. If you desire these legal services, they may be available to you at little or no cost within your local community.

Surrogate Parents

Eligible children whose parents cannot be identified or located, or who are wards of the state, have the right to have a surrogate parent represent them in all matters pertaining to WV Birth to Three.

These Family Rights are guaranteed to all families of children in WV Birth to Three in accordance with Part C of the Individuals with Disabilities Education Act (IDEA).